

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 13-40348
	)	Chapter 7
ADRIAN JOHN ILCHUK	)	
SSN/ITIN xxx-xx-6212	)	MOTION FOR TURNOVER
	)	
Debtor.	)	

COMES NOW Lee Ann Pierce, Chapter 7 Trustee in the above captioned bankruptcy, and moves the Court to approve her motion for turnover and represents as follows:

1. This motion is brought pursuant to 11 U.S.C. §521(4).
2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1334 and 157.
3. Debtor filed for Chapter 7 bankruptcy on June 12, 2013.
4. Debtor's personal property exemption limit under SDCL § 43-45-4 is \$6,000.00. Based on the information provided on Debtor's schedules and testimony at the §341 meeting, the value of Debtor's personal property is as follows:

<u>Asset</u>	<u>Trustee Value</u>	<u>Amount Exempted</u>
Bank Accounts	166.50	130.99
Household Goods	365.00	365.00
Collectibles	50.00	50.00
Hobby	80.00	80.00
Membership in Ilchuk Enterprises	500.00	500.00
Earned Wages	2,312.13	1,900.00
Accrued Vacation	1,093.28	369.00
2013 Tax Refund	621.31	0.00
2007 Pontiac G6	2,288.00	2,288.00
Other Personal Property	70.00	70.00
Total	\$7,546.22	\$5,752.99

Debtor has \$1,171.92 of non-exempt personal property equity, not including the 2013 federal income tax refund. 163/365ths of Debtor's 2013 federal income tax refund is property of the bankruptcy estate. The Trustee has received a copy of Debtor's 2013 federal income tax return, which indicates the Debtor will be receiving a refund of \$2,108.00. Debtor's tax return also indicates he is married. Debtor's percentage of the refund is 66%. The bankruptcy estate's share of the 2013 refund is \$621.31.

Wherefore, the Trustee would hereby request the Court order Debtor to turn over to the Trustee \$1,171.92; \$621.31 for the non-exempt equity in Debtor's 2013 federal income tax refund which has not been claimed exempt; and for such other and further relief as is deemed appropriate by the Court under the circumstances.

Dated this 5<sup>th</sup> day of March, 2014.

FITE, PIERCE & RONNING LAW OFFICE

/s/ Lee Ann Pierce  
Chapter 7 Bankruptcy Trustee  
316 Fourth St.  
P.O. Box 524  
Brookings, SD 57006-0524  
Phone: 605 692-9415  
Fax: 605 692-1433